IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1387 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18-04-2003 in W.P.No.21068 of 1995 on the file of the High Court.)

Between:

Jampala Nagaiah, S/o. Venkatappa,
Prop.Murali Cafe, Old APSRTC Bus Station,
Tirumala.

..... APPELLANT

AND

1.The Tirumala Tirupati Devasthanams, Tirupati,

rep., by the Executive Officer, Tirupati.
2.The Reception Officer III,

Tirumala Tirupati Devasthanams, Tirupati.
3.The Executive Engineer I,

Tirumala Tirupati Devasthanams, Tirupati.
4.The Executive Engineer V,

Tirumala Tirupati Devasthanams, Tirupati.

.....RESPONDENTS

Counsel for the Appellant: Mr.V.R.AVULA

Counsel for the Respondents : Mr.M.ADINARAYANA RAJU,

S.C. FOR TTD.

The Court made the following :

.....REGISTRAR

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

Proceedings dated 26-8-1995 issued by the Executive Officer, Tirumala Tirupati Devasthanams, Tirupati, cancelling the appellant's licence and asking him to vacate the premises by 25-9-1995 was challenged by the appellant by filing the writ petition. Number of grounds were raised that appellant's property at Tirumala was acquired and that as per the agreement, the managing committee decided to lease out the canteen building in bus stand, Tirumala to the appellant for running a hotel for a period of five years initially, or till the RTC bus stand is shifted. On expiry of the period of lease, application was filed by TTD under Section 83 of the A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987, where appellant raised objection that lease was on permanent basis and that he cannot be evicted. While the said proceeding was pending, appellant was informed by the respondents that he is permitted to run the hotel in the building adjacent to the central canteen as licencee by proceedings dated 16-3-1991. The appellant states that since licence was granted on permanent basis, the respondents cannot cancel the licence without showing alternate accommodation or without any lawful ground.

Learned single Judge dismissed the writ petition on merits holding that since the appellant accepted the licence renewable year by year, no right is vested in the appellant to claim any right in the property since the respondents have taken a decision to cancel the licence.

We have heard the learned counsel for the appellant and do not find any substance in the claim of the appellant that no notice preceded before issuing proceedings dated 26-8-1995 informing the appellant that his licence stands cancelled and he has to vacate the premises by 25-9-1995. There is no substance in the claim of the appellant and we dismiss the writ appeal.

Learned counsel for the appellant submits that the appellant has submitted a representation to the respondents for sympathetic consideration of his case for granting alternate accommodation on lease for running a hotel or canteen in Tirumala. We make it clear that dismissal of the writ petition by the Court does not prevent the appellant in approaching the TTD. In case such a representation is made, the TTD will take a decision in accordance with law.

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(DEVINDER GUPTA, C.J.)

6th October 2004.

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(C.V.RAMULU, J.)

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To

1.The Executive Officer, Tirumala Tirupati

Devasthanams, Tirupati,

2.The Reception Officer III,

Tirumala Tirupati Devasthanams, Tirupati.
3.The Executive Engineer I,

Tirumala Tirupati Devasthanams, Tirupati.
4.The Executive Engineer V,

Tirumala Tirupati Devasthanams, Tirupati.

5. Two C.D. copies.